

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/768,146	INOUE ET AL.
	Examiner Sheng-Jen Tsai	Art Unit 2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 03/10/2006.
2.  The allowed claim(s) is/are 7-10 and 12-15.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

1. This Office Action is taken in response to Applicants' Amendment and Remarks filed on March 10, 2006 regarding application 10/768,146 filed on February 2, 2004.

2. Claims 7-9 and 12-14 have been amended.

Claims 1-6 and 11 have been cancelled.

Claims 7-10 and 12-15 are pending under consideration.

3. ***Response to Amendments and Remarks***

Applicants' amendments and remarks have been fully and carefully considered with examiner's responses detailed below.

The Office Action mailed on 12/13/2005 indicates that claims 12-14 are allowed, and that claims 7-10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 7 to include all of the limitations of the base claim and any intervening claims, as well as the limitation recited in the original claim 7 that is considered to be allowable.

Therefore, independent claim 7 and those claims dependent from it now become allowable.

### ***Allowable Subject Matter***

4. Claims 7-10 and 12-15 are allowed.

### ***Reasons for Allowable***

5. The following is an Examiner's statement of reasons for allowance:

Independent claims 7 and 12 recite the limitation of a maintenance control unit executes at least one of three modes, the detail operations of each of the three modes as recited in the claims, as well as all of the limitations of the base claim and any intervening claims.

This distinguishes these claims from all pertinent prior art based on which claim analysis is performed.

6. The patentability of Applicants' invention was examined and evaluated against the prior art listed below. However, none of them, either alone or in combination with others, teaches all the limitations recited in the claims presented by Applicants.

- Fujimoto et al., (US Patent Application Publication 2004/0153691), "Fault Recovery Method and a Storage Controller in an Information Processing Apparatus."
- Okumoto et al., (US Patent Application Publication 2003/0204683), "Method, System, and Storage Controller for Controlling Shared Memories."
- Abe et al., (US 6,385,114), "Memory Package, Memory System and Hot-Line Insertion/removal Method Thereof."
- Cochran et al., (US Patent Application Publication 2005/0097132), "Hierarchical Storage System."
- Cochran et al., (US Patent Application Publication 2004/0267959), "Storage System with Link Selection Control."

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However, none of the prior art of the record teaches or suggests, independently or in combination, the specific feature recited by independent claims 1, 23 and 31 as indicated above.

***Conclusion***

7. Claims 7-10 and 12-15 are allowed.

***Conclusion***

8. Claims 7-10 and 12-15 are allowed.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheng-Jen Tsai whose telephone number is 571-272-4244. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheng-Jen Tsai  
Examiner  
Art Unit 2186

  
PIERRE BATAILLE  
PRIMARY EXAMINER  
3/29/05